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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,186	09/08/2000	Steven Metsker	05793.3041-00	3333

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,186

Applicant(s)

METSKER ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-30, 32-48 and 50-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-30, 32-48 and 50-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

Response to Amendment

Claims 1-12, 14-30, 32-48, and 50-54 are pending. This action is in response to the remarks received July 18, 2005.

Response to Arguments

Applicant's arguments with respect to claims 1-12, 14-30, 32-48, and 50-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-12, 14-30, 32-48, and 50-54** are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al. (US 6,401,085).

Re claims **1, 12, 16, 19, 30, 34, 37, 48, and 52**, Gershman teaches a method for providing solicitations and web-based offers and receiving corresponding responses thereto

(col. 38, line 50 to col. 39, line 25: *Gershman teaches solicitations when he discloses web sites that effectively attract customers in col. 39, line 14*) comprising:

providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least an offer code (*Gershman discloses product identification*) and a universal resource locator (URL *corresponds to web site*) corresponding to a web site (col. 37, line 55 to col. 38, line 50);

receiving a request to access the web site through the URL and receiving the offer code via the accessed web site (figs. 10a-10b and 14-15);

providing, via the accessed web site, an offer to at least one of the users, wherein the provided offer corresponds to the received offer code (col. 40, lines 4-67: *Gershman matches the product to the offer code*); and

receiving, via the accessed web site, a response to the offer from at least one of the users (col. 40, line 55 to col. 41, line 50; *Gershman discloses promotional products according to the user's profile*).

Re claims **2, 20, and 38**, Gershman teaches offer code incorporated in the solicitation is entered by the user at the web site (figs. 1a, 9 (element 900, 910, and 950), and 25).

Re claims **3, 21, and 39**, Gershman teaches solicitation is sent through electronic means (figs. 1a, 10a, 17, and 24). *Gershman discloses solicitation of products through web site, which is an electronic means.*

Re claims **4, 22, and 40**, Gershman teaches receiving a request further includes providing a customer identification number and using the customer identification number to

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verify a user (col. 41, line 51 to col. 42, line 3). *Gershman discloses a username and a password to identify a user.*

Re claims **5, 23, and 41**, Gershman teaches offer provides for adjusting existing customer account terms (col. 44, lines 49-65). *Gershman permits customers to customize their accounts thus he permits a customer to adjust existing customer account terms.*

Re claims **6, 8, 24, and 42**, Gershman teaches offer includes terms for new customers (col. 41, lines 23-50; col. 43, lines 45-65).

Re claims **7, 25-26, and 43-44**, Gershman teaches adjusting a customer's account terms based on the response (col. 47, lines 32-65; figs. 19, 23, and 25).

Re claims **9, 27, and 45**, Gershman teaches saving a user's access history (col. 11, lines 49-62; col. 40, lines 9-16; col. 47, lines 43-52).

Re claims **10, 28, and 46**, Gershman teaches analyzing the user's access history and modifying the offer based on the analysis (col. 12, lines 46-59; col. 40, lines 9-16).

Re claims **11, 29, and 47**, Gershman teaches a customer's account is automatically updated based on the response (col. 48, lines 15-32).

Re claims **14, 17, 32, 35, 50, and 53**, Gershman teaches set of offers relate to at least one of cellular telephone products and services (col. 38, lines 65-67; figs. 9 and 16).

Gershman discloses any type of products and services thus a cellular telephone is a type of product.

Re claims **15, 18, 33, 36, 51, and 54**, Gershman teaches set of offers relate to financial services (col. 38, lines 57-62). *Gershman discloses financial planning.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
1/2/2006



HANI M. KAZIMI
PRIMARY EXAMINER